

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

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3 **ORDINANCE NO. O-13-02 Amended**

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5 **Introduced by Alderman Fox**

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8 **AN ORDINANCE** concerning

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10 **ZONING OF ANNEXED LAND - Bembe Beach / Bay Front Drive**

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12 **FOR** the purpose of establishing a zoning classification of R2, Single-Family Residence
13 District for the property located on Bay Front Drive, lying along the waterfront
14 between Bembe Beach property earlier annexed to the north and the BayWoods
15 complex to the south and west; and Chesapeake Bay/mouth of Severn River east,
16 known as Bembe Beach, contiguous to the existing boundary of the City of
17 Annapolis; and all matters relating to said zoning map amendment.

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21 **WHEREAS,** the Annapolis City Council has received the application filed by Henry and
22 Eleanor Wilson et al. pursuant to Section 21.08.060 of the Annapolis City
23 Code to designate zoning district classifications of R2, Single-Family
24 Residence District and Limited Development Area (LDA) and Buffer Exempt
25 Area (BEA) in the Critical Area Overlay District for the property located on
26 Bay Front Drive, lying along the waterfront between Bembe Beach property
27 earlier annexed to the north and the BayWoods complex to the south and
28 west; and Chesapeake Bay/mouth of Severn River east, contiguous to the
29 existing boundary of the City of Annapolis, known as Bembe Beach; and

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31 **WHEREAS,** the Annapolis City Council heard and received the report and
32 recommendations of the Department of Planning and Zoning and the
33 Planning Commission of the City of Annapolis upon said application on
34 December 23, 2002; and

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36 **WHEREAS,** the Annapolis City Council conducted a public hearing in conjunction with the
37 application on December 23, 2002; and

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39 **WHEREAS,** having considered the application, testimony and evidence presented, and
40 the report and recommendations of the Planning Commission and the
41 Department of Planning and Zoning, and having weighed the evidence and

judged the credibility of witnesses appearing before it, the City Council makes the following findings of fact:

FINDINGS

1. In conformance with the laws of the State of Maryland and the City of Annapolis, the Bembe Beach Property was annexed to the City by Resolution R-9-02 adopted on January 13, 2002 2003 and effective February 27, 2002 2003. The entire site is designated as suitable for medium density residential uses which allows 5 to 10 units per acre under the 1997 Anne Arundel County General Development Plan; and
2. Reclassification of the Bembe Beach Property from Anne Arundel County Zoning District R5, Residential District to City of Annapolis Zoning District, R2, Single-Family Residence District is in conformance with the 1999 Annapolis Comprehensive Plan, surrounding land uses and zoning districts. The City's Department of Planning and Zoning and the Planning Commission, have recommended the designation of R2, Single-Family Residence District as being in the public interest.
3. The property is designated as Limited Development Area (LDA) and Buffer Exempt Area (BEA) in the Anne Arundel County Critical Area Overlay District and the same City of Annapolis Critical Area Zoning District classifications are proposed.

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the application by Henry and Eleanor Wilson et al. to designate a zoning classification of R2, Single-Family Residence District and Limited Development Area (LDA) and Buffer Exempt (BE) in the Critical Area Overlay District for the property located on Bay Front Drive, lying along the waterfront between Bembe Beach property earlier annexed to the north and the BayWoods complex to the south and west, and Chesapeake Bay/mouth of Severn River to the east, known as Bembe Beach Property, be approved and hereby granted, subject to all the requirements of Chapter 21 of the Code of the City of Annapolis.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the R2, Single-Family Residence District boundary lines and the Limited Development Area (LDA) and Buffer Exempt (BE) in the Critical Area Overlay District boundary lines for the property annexed to the City, as shown on the Bembe Beach Rezoning Maps, Scale 1" = 200', topographic and property tax maps, dated _____, 2002 copies of which are attached hereto and incorporated herein by reference, are adopted. True copies of the Bembe Beach Property Annexation Zoning

1 Maps as adopted by this ordinance shall be maintained permanently in the Department of
2 Planning and Zoning.

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4 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
5 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect on February 27, 2002
6 2003.

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9 **ADOPTED** this 13th day of January, 2003.

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12 **ATTEST:**

THE ANNAPOLIS CITY COUNCIL

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15 _____
16 Deborah Heinbuch, CMC/AAE
17 City Clerk

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20 **BY:** _____
21 **ELLEN O. MOYER, MAYOR**

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24 **EXPLANATION:**

25 Redlining indicates matter added to existing law.

26 Strike Out indicates matter deleted from existing law.

Underlining and redlining indicate amendments.